



**ATTORNEY CLIENT PRIVILEGED COMMUNICATION
ATTORNEY WORK PRODUCT
DO NOT FORWARD**

To: NJEA UniServ Field Representatives
From: Office of Legal Services/Member Rights, Aileen M. O’Driscoll, Esq.
Re: Accommodation Screening Protocols
Date: July 14, 2020

We anticipate a large number of members will be seeking work from home accommodations pursuant to the Americans with Disabilities Act (ADA) and the New Jersey Law Against Discrimination (NJLAD). In order to best utilize the demands on the time of our network attorneys, we are requesting that UniServ field representatives screen members requests for accommodations prior to arranging attorney consults to be sure that they have already acquired a medical report regarding an accommodation but have not yet submitted it to the district for review.

Please confirm that the member seeking a workplace accommodation for remote work has acquired or is seeking from their treating physician a formal medical report, not a handwritten note on a prescription pad, that sets forth:

1. an assertion that the employee requires a workplace accommodation because the employee suffers from a medical condition;
2. outlines the nature of the individual’s disability;
3. how the individual’s disability impairs one or more of the individual’s major life activities or daily functions;
4. the letter must also explain that the doctor understands the employee’s essential job functions (teacher/custodian/paraprofessional, etc.); and
5. a list of accommodations the doctor recommends and why the accommodations are necessary to allow the individual to perform their job functions.

If the medical documentation does not address these points, please have the member return to their physician with a request to issue a report that addresses all of these points before referring the individual to a network attorney.